

REMARKS

In the March 11, 2005 Office Action, the Examiner noted that claims 2, 3, 5-7, 9, 10, 12-14 and 18-21 were pending in the application and were rejected under 35 U.S.C § 102(b). In rejecting the claims, Japanese Patent No. 11-187126A2 to Yamakita (Reference N in the March 11, 2005 Office Action) was cited. Hereafter all citations to the text of Yamakita will be to the English translation of Yamakita prepared by FLS, Inc. in February 2005.

Claims 2, 3, 5-7, 9, 10, 12-14 and 18-21 remain in the case. The Examiner's rejections are traversed below.

Examiner Interview

The undersigned wishes to thank the Examiner for granting the telephonic Examiner Interview held on June 2, 2005. As indicated in the Interview Summary, the Examiner has acknowledged that "information servers geographically distributed to provide access to subscribers" (e.g., claim 5, lines 2-3) are not clearly expressed in Yamakita. However, the Interview Summary suggested that such information servers might be inherent in the teachings of Yamakita.

Rejections under 35 U.S.C. § 102(b)

As discussed during the June 2, 2005 Examiner Interview, Fig. 1 of Yamakita is described as depicting information terminals 3b connected via Internet 3a to "information transmission device [3] ... that is connected to a network, such as the telephone line network [1]" (paragraph [0008], lines 7-9). These connections permit facsimile terminals 2 connected to telephone line network 1 to send and receive "electronic information (picture information in this case)" (paragraph [0008], lines 5-6) not only to each other, but also to and from information terminals 3b (see, paragraph [0008], lines 9-16). However, the system taught by Yamakita does have a topology capable of performing the operations recited in the claims because the only components of the "communication system" recited in the preambles of claims 5 and 12 for which corresponding components can be found in Yamakita are the "communication device[s]" (claims 5 and 18, line 7 and claim 12, line 8) and the terminals 2, 3b in Yamakita.

At the beginning of item 5 on page 3 of the Office Action, it was asserted that Yamakita taught "at least one central management server (3)" (Office Action, page 3, line 2). From the use of the numeral 3 in parentheses, it is assumed that the Examiner is asserting the "information transmission device [3]" (e.g., Yamakita, paragraph [0008], lines 4-5) corresponds to the "at

least one central management server" recited in the preamble of claims 5 and 12. However, on the next line of item 5, there is no citation to anything in Yamakita as teaching "information servers geographically distributed" (e.g., claim 5, line 2).

The first citation in the Office Action to anything in Yamakita relating to information servers is "initially storing the activity log file at the information servers, (page 6, paragraph 6)" (Office Action, page 3, lines 8-9). It is unclear what specific words on page 6 were being cited as relating to the geographically distributed information servers recited in claim 5 and 12. Everything in the portion of paragraph [0006] on page 6 of Yamakita appears to be related to information transmission devices. However, as noted in the preceding paragraph, information transmission device 3 in the system taught by Yamakita was identified by the Examiner as corresponding to the central management server recited in claims 5 and 12. Therefore, it is unclear what device in Yamakita would perform the operation of "initially storing the activity log file at the information servers" (claim 5, line 9).

It is unclear whether the Examiner is asserting that there are additional information transmission devices in the system taught by Yamakita that correspond to the information servers recited in claims 5 and 12. No description of geographically distributed information transmission devices has been found in Yamakita. Therefore, Yamakita clearly does not anticipate the claims. Furthermore, it is submitted that Yamakita lacks any suggestion of providing geographically distributed information transmission devices in addition to information transmission device 3 in Fig. 1 and therefore, the claims are not obvious from Yamakita.

Due to the lack of "information servers geographically distributed" (claim 5, line 2) and "at least one central management server [in addition to the] information servers" (claim 5, line 2), there is no suggestion in Yamakita of "transferring log data derived from the activity log file from each of the information servers to the central management server" (claim 5, lines 10-11) after "initially storing the activity log file at the information servers" (claim 5, line 9). The Office Action asserted that "transferring log data" was disclosed in paragraph [0008] on page 8 of Yamakita. However, the only information described as transferred in the cited portion of page 8 is "electronic information (picture information in this case)" (paragraph [0008], lines 5-6) and "[i]nformation transmitted from ... facsimile terminals [2] ... or various information terminals [3b]" (paragraph [0008], lines 9-11). It is submitted that there is no suggestion of including "log data" in the information described as being transmitted in paragraph [0008] on page 8 of Yamakita, nor that the log data was initially stored on information servers that are distinct from information transmission device 3 and terminals 2, 3b in Yamakita.

If it is believed that there are additional information transmission devices in the system disclosed by Yamakita that correspond to "information servers" as recited in the claims, it is submitted that there is no suggestion in Yamakita that such information transmission devices are capable of performing as "information servers" as that term is used in the application and in the art. As described in the specification, "information services systems ... may include facsimile servers, e-mail servers, unified messaging servers, providing financial services, news and sports reports, video on demand, music downloads, business information including addresses, telephone numbers, hours of operation, etc." (application, page 1, lines 28-31). By both its name and functionality described in Yamakita, the device represented by reference numeral 3 only provides for information transmission from one terminal to another. No suggestion was cited or has been found that it is capable of being a "server" of information as recited in claims 5 and 12.

Even if the information transmission device represented by reference numeral 3 in Fig. 1 of Yamakita is considered to be an information server, the only statement that has been found which might be relevant to storing an activity log file is that "information that was generated by means of various information services in the center device is also transmitted appropriately to a terminal through a network" (Yamakita, page 9, paragraph [0008], last sentence). It is not clear that this statement is referring to "log data" as that term is used in the specification of the subject application. Furthermore, it is submitted that one of ordinary skill in the art would not consider "a terminal" as described in this sentence of Yamakita to be equivalent to "the central management server" as recited on line 9 of claim 5. Therefore, even if log data is transferred to one of the terminals for some reason by the information transmission device, it would not be sent "to the central management server" (claim 5, line 11).

Furthermore, claim 5 recites "location data and identifiers, the location data indicating which of the information servers provided access by the subscribers ... and each identifier ... associated with one of a communication device and a person using the communication system" (claim 5, lines 4-8) as well as "transferring log data ... from each of the information servers to the central management server" (claim 5, lines 10-11). These limitations require that the information servers are intermediately positioned between the central management server and the communication devices. As discussed during the June 2, 2005 Examiner Interview, Fig. 1 of Yamakita shows a system having only two levels with terminals 2 and 3b at the lowest level and a single central information transmission device 3 at a higher level; while the claims are directed to a system with three levels: communication devices, information servers and at least one central management server.

In rejecting claim 18, paragraph [0017] of Yamakita was cited as disclosing "information servers geographically distributed to provide access by subscribers to information locally accessible by said information servers" (claim 18, lines 3-4). However, this paragraph of Yamakita only describes storing "logon time, logoff time, and user name" (paragraph [0017], line 7) in "records of the network server" (paragraph [0017], line 6) and a "location detecting terminal that the user carries" (paragraph [0017], line 2). It is not clear which network (telephone line network 1 or Internet 3a) is associated with the network server. This statement in paragraph [0017] is the only suggestion that was cited or has been found of an intermediate level between information transmission device 3 and terminals 2 and 3b. No mention of more than one such network server or any geographic distribution of plural network servers has been found. Therefore, it is submitted that Yamakita does not clearly anticipate the claimed invention and it would not be obvious to one of ordinary skill in the art to produce a system that performs the operations recited in the limitations quoted above from claim 5.

Since claims 12 recites limitations similar to those quoted above from claim 5, it is submitted that claims 5 and 12, as well as claims 2, 3, 6, 7, 9-11, 13 and 14 which depend therefrom patentably distinguish over Yamakita for the reasons discussed above. In addition, since claim 18 is a system claim reciting the components discussed above, it is even clearer that claim 18 and claims 19-21 which depend therefrom patentably distinguish over Yamakita.

Furthermore, since only one information transmission device and one network server are disclosed in Yamakita, there is no suggestion that "relocating moves at least a subscriber profile included in the private data of at least one subscriber from one of the information servers to another information server" as recited in claim 6. The statement in paragraph [0025] of Yamakita that "electronic information can be transmitted to a terminal that is located near the user" which was cited in paragraph 8 on page 4 of the Office Action appears to be a description of the final delivery of data which requires the user to physically move to the terminal to view the information. This is not what is recited in the claims. As discussed above, terminals 2 and 3b illustrated in Fig. 1 of Yamakita are the only components of the system that are described as geographically distributed, while claim 5, from which claim 6 depends, recites that there are "identifiers, each associated with one of a communication device and a person using the communication system" (claim 5, lines 4-8), thus defining communication devices as the lowest level devices in the system and therefore, most closely corresponding to the terminals 2, 3b in the system disclosed by Yamakita. Transmission of the electronic information to a terminal near a user as described in paragraph [0025] of Yamakita does not make it obvious to transfer data to an information server near a user, as recited in claim 6.

Since claim 13 recites limitations similar to claim 6, it is submitted that claims 6 and 13 further patentably distinguish over Yamakita for the reasons discussed in the preceding paragraph.

Summary

It is submitted that Yamakita does not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 2, 3, 5-7, 9, 10, 12-14 and 18-21 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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